

a search of SEQ ID NO: 1 will inherently result in a search of SEQ ID NO: 4. Applicants request that the following claim groups be combined, because they are inherently interconnected:

Groups I and II;

Groups III and IV;

Groups V and VI; and

Groups VII and VIII.

For example, in order to perform a thorough search of the prior art relevant to elected Group I, which is directed to methods of determining if a subject has an increased risk for developing cancer by contacting a sample with the specific binding agent that binds to a protein having at least 70% identity to SEQ ID NO: 1, the prior art relevant to the claims of Group II will have to be searched (since SEQ ID NO: 4 is a subsequence of SEQ ID NO: 1). Therefore, there is no additional burden on the Examiner to search the claims of Groups I and II. In the absence of any burden on the U.S. Patent and Trademark Office, Groups I and II should be examined in the same application.


Furthermore, the Examiner asserts that Groups I and II are a distinct invention from Groups III and IV because they involve separate method steps. Groups I and II are directed to methods of determining if a subject has an increased risk for developing cancer by contacting a sample with the specific binding agent that binds to a protein having at least 70% identity to SEQ ID NO: 1 or 4. Groups III and IV are directed to the same method, but with the additional step of incubating ⁷⁵Se with cells of a subject. The Examiner explains that Groups I-IV each require a different search. Applicants disagree and request reconsideration. This restriction is inappropriate, as claims 78 and 79 of Groups III and IV depend from claim 51 of Groups I and II. As a result, claims 78 and 79 contain all of the limitations of claim 51. Therefore, if claims 78 and 79 are searched, then the subject matter of claim 51 must also be searched. As a result, it is no burden on the Examiner to search claims 78, 79 and 51 (Groups I/II and Groups III/IV) in the same application, and these claims should not be restricted from one another. In the absence of any burden on the U.S. Patent and Trademark Office, Groups I and III and Groups II and IV should be examined in the same application.

In summary, Applicants request rejoining of Groups I-IV, because SEQ ID NO: 4 is a subsequence of SEQ ID NO: 1, and dependent claims 78 and 79 should not be restricted from independent claim 51. There is no additional burden on the Examiner to examine Groups I-IV in the same application.

If the Examiner has any questions regarding this response to restriction requirement, he is invited to telephone the undersigned.

Respectfully submitted,

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